

# AN ACT

For the Relief of

# CREDITORS

AND

# Poor Prisoners.

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Wednesday the 5<sup>th</sup> of October, 1653.

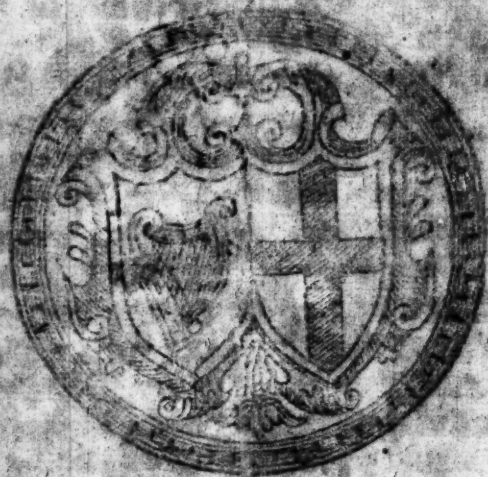
**O**rdere*d by the Parliament, That this Act be forthwith Printed and Published.*

Hen: Scobell, Clerk of the Parliament.

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*London, Printed by Iohn Field, Printer to the Parliament of England. 1653.*

# AN ACT OF THE PARLIAMENT OF GREAT BRITAIN FOR THE BETTER REGULATION OF THE COURTS OF COMMONS



Printed by J. Smith, at the  
Printers Office, in St. Dunstons Church-yard, 1704.

# AN ACT

For the Relief of

# CREDITORS

AND

## Poor Prisoners.



**B**E it Enacted by the Authority of this present Parliament, That Henry Proby, Peter Elliston, Hogan Hoval, John Humphreys, Henry Colbron, Nathanael Camfield, Henry Cole, Clement Ireton, Thomas Stean, Richard Hutchinson, Noah Banks, John Tracy, Thomas Swallow, Michael Pendleton, Robert Warcup, Robert Houghton, George Pots, or any three or more of them, are hereby (as to all persons already committed, or that shall be committed before the Twentieth day of October, One thousand six hundred fifty and three, to the Upper Bench Prison; or to the Prisons of the Fleet, Gatehouse in Westminster, Counter in Surry, or Prison in White-Chappel, in any civil Cause, and not from thence lawfully discharged) made Judges to hear and determine the Causes of such persons Imprisonment, and of the Escapes of any such Prisoners, in a summary way; and where they finde any just Debt or Duty owing by such Prisoners, to make speedy provision out of such Prisoners Estates, or Trusts of their Estates (by Sale, Lease, Grant



Grant or otherwise) for satisfaction of the same: And are hereby impowred to examine parties and witnesses for the proof of Escapes, and for the discovery of such prisoners Estates, or any fraud or trust touching the same; and to do and act as fully, to all intents and purposes, so far as concerneth the said Prisoners and their Estates, or Trusts of Estates, and relief of their Creditors, as any Commissioners might do against a Bankrupt or a Bankrupts Estate, by vertue of any Commission upon any of the Statutes against Bankrupts: And the said persons so committed, are from the time of their first commitment to be accounted Bankrupts, in case they pay not their Debts before the first day of April now next ensuing. And where any person in Prison, or dying in Prison for any Debt, or after any Judgement against such person unsatisfied, hath made or caused to be made a voluntary settlement of any of his own Estate, upon or in Trust for himself, or any of his Children, or other person, after the Debt contracted, or after the cause of Action whereupon such Judgement was obtained; the said Judges, or any three or more of them, may sell and dispose any such Estate, for satisfaction of any such Debt and Judgement: And if the said Judges, or any three or more of them, shall finde any person guilty of any Fraud, tending to deceive any Creditor of any such Prisoner, or of any wilful concealment of any Estate, or Trust of Estate of any such Prisoner; they shall and may proceed against such guilty person as a Bankrupt, so far as to enforce him to pay such Fine as the said Judges, or any three or more of them, shall deem answerable



liwerable to the Offence, not exceeding double the value of what the Creditors hath or might have suffered by such Fraud, or which was so wilfully concealed, towards the Creditors satisfaction, so far as to make up what the Debtors own Estate will not satisfy: and the remainder of the said penalty to be paid to the Treasurer of the County for maintained Soldiers, and shall by the said Treasurer be disposed of for the publique Service of the County, as the Justices of the Peace, or the major part of them at their General Sessions shall under their hands appoint: And if he hath not wherewith to satisfy such Fine, the said Judges may adjudge him to the Pillory or a workhouse, or both, as they shall think meet. And where the said Judges shall finde any Prisoner able, and yet doth not pay his just debts, they may (if they think fit) order him to a straight Imprisonment: And if the said Judges, or any three or more of them, shall upon due examination finde, That any person doth lie in Prison for the Debt of another, they shall and may proceed to sell and dispose the Estate of such other person, for whose debt he lieth so in Prison, as fully as of any Prisoners Estate; and punish fraud and wilful concealment of any such Estate, in maner and form aforesaid.

Provided always, That payments made by such Prisoners, before the Fourth day of October, One thousand six hundred fifty and three, for their true and real Debts without Fraud; and all true and real Conveyances of, or charges upon their Lands, before the said Fourth day of October, by them made to an absolute Purchaser, without Fraud or Trust, may not

be

be impeached by any thing within this Act, but a settlement or grant made by such Prisoners, of their estates or any part thereof, to any of their children or heirs apparent, upon marriage or otherwise after a Debt Contracted, is not to be accounted a Purchase or Conveyance to be allowed, further then to cause restitution of the Money which was really paid to (and received by) such Prisoner upon such Conveyance or Grant; which said Money, and half as much more, shall be paid back upon the sale of the Estate, to such person or persons whose Interest or Estate shall be so sold by virtue of this Act: And if the said Judges, or any three or more of them, shall finde such Prisoners to have made Escape out of Prison, and cannot finde sufficient of their Estates to pay what is justly due from any, of them, they shall then cause satisfaction to be made to the Creditors (at whose Suit they were Imprisoned) out of the Estate of the Goaler or Keeper of the Prison; and shall and may (in order thereunto) discover and dispose the Estate, and Trusts of Estate of such Goaler or Keeper of Prison, as they might of the said Prisoners, and inflict like punishment for Fraud and wilful Concealments: And if they shall not finde the Estate of such Goaler or Keeper of Prison, sufficient to satisfie the Creditor or Creditors, then they shall make satisfaction out of the Estates of such person and persons, as have given the said Goaler or Keeper of the said Prison security for the true Imprisonment of any such Prisoner so escaping; and are hereby Impowred to examine upon Oath, touching a'y such Security, and to seize and dispose of the same, and to punish any

any persons whom they shall lawfully to conceal or detain, discharge or vacate any such security without their direction, by like fine, Imprisonment or otherwise, as they shall think meet, which fine or fines shall be paid to the said Treasurer of the County as aforesaid, and be by him disposed of in manner and form aforesaid.

And it is hereby Enacted, That all such Securities which have been at any time heretofore taken by any such Goaler or Keeper of Prison, and not vacated or discharged before the Sixth day of July, One thousand six hundred fifty and three, are hereby vested in the said Judges, as fully to all intents and purposes, as if they had been originally taken in their names, and may be made use of accordingly in order to the satisfaction of the Creditors of such prisoner escaping; and all acts done by any such Goaler or Keeper of prison since the Sixth day of July aforesaid, for releasing, discharging or vacating any such Security, is hereby adjudged void: And where the Estate of the Goaler or Keeper of prison shall be disposed of for any Creditors satisfaction as aforesaid, the said Goaler shall be reimbursed so much out of the Estates of such as shall have given such security for true Imprisonment as aforesaid, if the security amounteth to that sum: And the said Judges or any three or more of them, are hereby Impowered forthwith to discharge all such prisoners as were committed to prison on or before the last day of June, One thousand six hundred fifty and three, upon any Action by Bill of Middlesex or otherwise, whereon there hath not been any Declarations or Proceedings, and shall give



give Damages to such prisoners, according to  
 the merits of their several Causes, for their  
 vexatious Imprisonment, which is hereby  
 Declared unlawful; and if the party or par-  
 ties shall neglect or refuse forthwith to pay  
 the Damages so awarded by the said Judges,  
 or any three or more of them, then the said  
 Judges, or any three or more of them, are  
 hereby Impowered to seize, sell and dispose  
 (by Sale, Lease, Grant or otherwise) so much  
 of the Estate real or personal of the person so  
 neglecting or refusing, for the satisfaction of  
 the party so imprisoned as aforesaid; and shall  
 and may also discharge, abate, or give respite  
 of time to any prisoner within the said pri-  
 sons, or any of them, according as they or any  
 three or more of them shall in their Judge-  
 ments and Consciences think meet, according  
 to the circumstances of each particulae case,  
 taking care that just Debts and Duties may  
 be satisfied so far as there is any Ability in the  
 prisoner. And that persons unable to pay  
 may not perish in prison through the cruelty  
 or obstinacy of any obdurate Creditor: And  
 shall and may also remove to any work house  
 or house of Correction any wilful or obstinate  
 prisoner, whom they shall find to lye in prison  
 through his own wilful default, or such as  
 have run into Debt by their vicious course of  
 living, and thereby become unable to pay their  
 Debts; And shall and may also examine, hear  
 and determine all Frauds and Abuses by any  
 persons, whereby they have gotten out of any  
 of the said prisons, by vertue or colour of any  
 Act of the late Parliament, for Discharging  
 from Imprisonment poor prisoners unable  
 to satisfy their Creditors; or for the Ease or  
 Relief

Relief of poor prisoners; and if they finde  
 cause may remand them to prison again, and  
 shall and may proceed, examine and dispose of  
 their Estates and Trusts of Estates, and all  
 Frauds and Wilful Concealments touching  
 the same, in such sort, to all intents and pur-  
 poses, as if they were still prisoners; and also  
 shall and may examine, hear and determine  
 touching all Charities given or intended to  
 any the said prisons, or for relief of any prison-  
 ers within any of the said prisons; and the  
 abuses and mis-employments of the same, and  
 cause the offender therein to restore the double  
 (which together with all such Charities, shall  
 by the said Judges be settled and employed to  
 the best advantage of the poor prisoners) and  
 if they finde the abuse gross and wilful, then  
 to cause the offenders to be set upon the pil-  
 lory; and shall and may cause a Table of Just  
 and Moderate Fees, to be made and hung up  
 in the said Prisons and Goals, declaring what  
 every prisoner is to pay to the Keeper of the  
 prison, and all his servants and officers, and  
 for Chamber-rent during the time of such im-  
 prisonment, and upon their Discharge; And  
 if any presume to take any more or other Fees,  
 then according to the said Table, it is hereby  
 adjudged Extortion, for which the Offender  
 shall pay four fold to the party injured, and  
 be set on the Pillory. And the said Judges, or  
 any three or more of them, shall and may  
 make Orders for selling of wholesome Beer  
 and other provisions in the said prisons at a  
 reasonable price, and for permitting prisoners  
 to send for the same abroad, if they please; and  
 for the punishment of Offenders contrary to  
 the

the said Orders, which are hereby Enacted to have the force of a Law.

And it is hereby further Enacted, That the persons hereafter named, or any three or more of them, are made Judges, as to all prisons & persons committed to any prisons within the several respective Counties, Cities and Town Corporate within this Commonwealth; That is to say :

**Within the County of Bedford :**

**S**t. John Charnock, John Cockayn, Joseph Barber, John Crook, Samuel Bedford, William Whitebread, Henry Whitebread, Esquires.

**The County of Berks :**

John Loader, Richard Bigg, John Dean, Francis Allen, Esq; William Nutkin, Christopher Whitchcot, James Hern.

**The county of Bucks :**

Robert Aldridge, Henry Gould, William Hawkins, Christopher Eggleton, William Hill, Henry Philips, John Deverel, Esquires.

**The county and town of Cambridge, and the Isle of Ely :**

Talbot Pepis, Francis Ruffel, Esq; Thomas Duckett, Dudley Pope, Henry Pickering, Tristram Diamond, Francis Underwood, Esq;

**The county and city of Chester :**

Henry Brook, Thomas Stancly, Thomas Manwaring, Thomas Marbury, Jonathan Brewen, Thomas Croxton, Henry Green, Jonathan Rich Alderman of Chester.

**The**



**The county of Cornwall :**

Andrew Trevil, John Kendal, Jacob Daniel,  
Thomas Glin, Peter Ceely, Richard Carter, William  
Lower, Esquires.

**The county of Cumberland :**

Thomas Crafter, William Brisco, Cuthbert Stad-  
holm, Lawhorn of Perith.

**The county of Derby :**

Sir Francis Burdet, Sir Samuel Sleigh, Knights;  
James Abney, Thomas Sanders, Nathanael Hallows,  
Robert Mellor, Edward Manloye, Esqs;

**The county of Devon, and city of Exon :**

John Coplestone, John Serle, Esqs; John Ham,  
John Cook, James Pearce, Francis Rolle, Gentle-  
men; Servington Savery Esquire.

**The county of Dorset, and the town  
and county of Pool :**

John Brown the elder, John Trenchard, John  
Still, John Whiteway, William Lawrence, Walter  
Foy, Edward Chick, Esquires.

**The county of Durham :**

Sir George Vane, Mark Shafto, John Turner,  
John Middleton.

**The county of Essex, and the town  
of Colchester :**

Sir William Masham Baronet, Sir Thomas  
Bowes Knight, William Masham, Thomas Cook  
of Pedmarsh, Dionisius Wakering, John Fenning,  
Arthur Barnardiston,

**The county of Gloucester, and the city and  
county of the city of Gloucester:**

John Stephens, Thomas Hodges, Thomas Pury  
the elder, William Leigh, Silvanus Wood, Jerem-  
iah Buck, John Dorney.

**The county and city of Hereford:**

John Pattesal, John Flacker, Thomas Rawlins, Ri-  
chard Nicholets, Thomas Seabourn, John Woodiate,  
Hugh Jenkins.

**The County of Hertford, and the  
Town of St. Albons:**

Sir Richard Lucy Baronet, Alban Cox, John  
Mann, William Packer, Isaac Puller, Richard Comb,  
Thomas Nichols, Esqs;

**The county of Huntington:**

Abraham Burrel, Robert Bernard, Nicholas Pedley,  
Esqs; Robert Vinter, Griffith Lloyd, Gent.

**The county of Kent, and the City  
of Canterbury:**

Sir Michael Livesey Baronet, John Dixwel,  
William James, Lambert Godfrey, John Parker,  
Charles Bowls, Francis Butcher, Esqs;

**The county of Lancaster:**

Thomas Fell, Thomas Birch, Richard Shuttleworth,  
George Piggot, Edmond Werden, Edward Robinson,  
William Knipe, Esqs;

**The county of Leicester:**

Thomas Beamount, William Danvers, Thomas  
Goddard, Esqs; John Baker, William Inge, Ed-  
mond Cradock, Anthony Major, Gent.

**The**

**The county and city of Lincoln :**

Thomas Coppledike, Samuel Cust, John Disney,  
William Dooman, Richard Bryan, Robert Yerburch,  
Joseph Whiting.

**The Cities of London and Westminster, the  
Counties of Middlesex and Surrey :**

Henry Proby, Peter Elliston, Hogan Hoval, John  
Humphreys, Henry Colbron, Nathanael Camfield,  
Henry Cole, Clement Ireton, Thomas Stean, Richard  
Hutchinson, Noah Banks, John Tracy, Thomas  
Swallow, Michael Pendleton, Robert Warcup, Ro-  
bert Haughton, George Pots.

**The County of Northampton :**

Edward Farmer of Daintry, William Ward of  
Houghton, Benson of Tocester, Edward  
Harby, John Mounsel, William Boteler, John Brown.

**The County of Notingham, and the County  
of the Town of Notingham :**

Henry Sacheveril, William Wightman, William  
Landon, Thomas Lindley, Christopher Wilson, John  
Gregory, Gregory Silvester, Gent.

**The County of Norfolk, and the City and  
County of the City of Norwich :**

Robert Wood, Thomas Weld, Thomas Toll, Ed-  
ward Ward, Richard Brown, Esq; Thomas Barret  
Gent. Thomas Ashwel, Thomas Garret and George  
Steward.

**The County of Northumberland, and the  
Town of Newcastle :**

William Shafto, Luke Killingworth, John Ogle of  
Kirkley, Mark Shafto, Thomas Bonner of New-  
castle,



castle, Thomas Leidger of Newcastle, George Dawson.

**The county and city of Oxon :**

John Carey, Elisha Cole, Thomas Appletree, Walter Elwood, Robert Jenkinson, Francis Osborn, John Crisp.

**The county of Rutland :**

Evers Armyne, Robert Horsman, John Osborn, John Weaver, Benjamin Norton, **Esquires**; Edward Hugford, William Shield, **Gent.**

**The county of Salop :**

Humphrey Mackworth, Creswel Taylor, Thomas Mackworth, Lancet Lee, Edward Cresset, Roger Evans, **Esquires**; John Ashton **Gent.**

**The county of Stafford, and the city and county of Litchfield :**

Richard Flyer, Daniel Watson, Thomas Adshed, John Yong, Zachary Babbington, Thomas Bendy, Thomas Bagnal, Thomas Minors.

**The county of Somerset, and the city and county of the city of Bristol, and the city of Bath :**

John Cary, Robert Morgan, Richard Bover, John Barker, George Sampson, John Gutch, Robert Web, Adrian Scroop, Joseph Jackson.

**The county of Southampton, and the town and county thereof, and the Isle of Wight :**

Sir Robert Dillington **Baronet**, Richard Cromwel, Richard Whithed, Francis Rivet, Henry Bromfield, John Pitman, Thomas Bowerman, **Esquires.**  
The

**The county of Suffolk, and the towns  
of Ipswich, Bury St. Edmunds and  
Aldburgh.**

John Gordon, Samuel Moody, Nathanael Bacon,  
Robert Brewster, Daniel Clench, Francis Bacon,  
Thomas Chaplyn, *Esquires*.

**The county of Suffex:**

Henry Shelly, Edward Polhil, William Freeman,  
Roger Gratwick, *Esquires*; William Madgewick,  
Thomas Jenner, William Cobey *Gent*.

**The county of Worcester, and the city  
and county of the city of  
Worcester:**

Edmund Giles of Whitlady, Easton, Thomas Bound  
of Upton, William Chearle of Worcester, Edmund  
Pit of Worcester, Henry Hill of Broadheath, Edward  
Elmines *Alderman of Worcester*, Francis Frank.

**The county of Warwick, and the city  
and county of the city of  
Coventry:**

Richard Townsend, Robert Beak, John Fetherston of  
Packwood, Joh: Halford, Timothy St. Nichols, *Esqs*;  
James Cook of Warwick *Gent*, William Thornton.

**The county of Wilts:**

Edward Tocker, Hugh Windham, John Dove, John  
Read, Edward Mitchael, William Cole, William Lud-  
low, Bennet Swayn, *Esquires*.

**The county of Westmerland:**

John Archer, Jervas Benson, Roger Bateman,  
William Gagner.

**The**

**The county of York, and the city and county  
of the city of York, and the town and  
county of Kingston upon Hull:**

**Sir William Strickland Knight and Baronet,**  
Luke Robinson, Durand Hotham, Robert Waters,  
Henry Tempest, John Stanhop, Esquires; William  
Metealf Alderman of York, Timothy Lumb of  
Hull Gentleman.

**The Isle of Anglesey:**

Owen Holland, John Wood, Richard Owen-The-  
odor, Richard Bolton, Richard Jones of Bewmaris,

**The county of Brecknock:**

Edmund Jones, John Dancy, Richard King, Tho-  
mas Watkins, William Jones of Buckland, Esqs;

**The county of Cardigan:**

Henry Vaughan, Sampson Lort, Thomas Evans,  
Richard Brown, Abel Griffith, Esqs;

**The county of Carmarthen:**

John Price, Rowland Dawkins, Rice Powel, Evan  
Lewis, John Bowen, Esqs;

**The county of Carnarvon:**

Thomas Madryn, Griffith Jones, Arthur Spencer,  
Griffith Williams, William Stodder, Edmond Glyn.

**The county of Denbigh:**

John Kynaston, Thomas Edwards, Roger Sentley,  
Hugh Prichard, William Morris, William Winne,  
Daniel Lloyd.

**The county of Flint:**

Andrew Ellis, Luke Lloyd, Ralph Hughes, Ri-  
chard



char'd Yong, Daniel Lloyd, William Win, George Twissleton.

**The County of Glamorgan :**

John Price, Rowland Dawkins, Rice Powel, Evan Lewis, John Bowen, Esqs;

**The county of Monmouth :**

John Nicholas, Henry Baker, Christopher Catchmey, John Morgan of Langum, Esqs; Hugh Rogers Gent.

**The County of Merioneth :**

Owen Salisbury, Robert Owen, Lewis Win of Bala, Lewis Owen of Gurethgynuer, Daniel Lloyd, Ellis Hughes, Esqs;

**The county of Montgomery :**

Hugh Price, Evan Lloyd, Lewis Price, Thomas Lloyd, Edward Price, Robert Griffith, Esqs; Edward Allen Gent.

**The county of Pembroke :**

Henry Vaughan, Sampson Lort, Thomas Evans, Richard Brown, Abel Griffith, Esqs;

**The county of Radnor :**

Edmond Jones, John Dancy, Richard King, Thomas Watkins, William Jones of Buckland.

which aforesaid Judges, or any three or more of them, are hereby Impowred to hear and determine, and shall and may do and act as fully, to all intents and purposes, as to the relief of all prisoners, and Creditors within the aforementioned respective Counties, Cities and Towns Corporate : And for the pu-

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nishment of Fraud and wilful Concealment,  
 or otherwise; and shall and may do all other  
 matters within this Act, as fully, to all in-  
 tents and purposes, as the said Henry Proby,  
 Peter Elifton, Hogan Hoval, John Humphreys, Henry  
 Colbron, Nathanael Camfield, Henry Cole, Clement  
 Ireton, Thomas Stean, Richard Hutchinson, Noah  
 Banks, John Tracy, Thomas Swallow, Michael Pen-  
 dleton, Robert Warcup, Robert Houghton, George  
 Port, or any three or more of them, may or can  
 do or act touching any of the said Prisons of  
 the Upper-Bench, Fleet, Gate-house or White-  
 chappel, or any person committed to any of  
 them; and any Sheriff or other Officer, by  
 Law liable for the Escape of any Prisoner  
 within any of the said respective Counties and  
 places, shall be liable to make like satisfacti-  
 on for such Escape, as the Goaler or Keeper of  
 the said Prison of the said Upper-Bench,  
 Fleet, Gate-house or White-chappel, for Pri-  
 soners escaping thence: And all Sheriffs,  
 Goalers and Keepers of Prisons, and others,  
 are hereby enjoined to give obedience to the  
 Orders and Judgements of the said respec-  
 tive Judges, within their respective Juris-  
 dictions: And any Enlargement and Liberty  
 to any Prisoner, by virtue of any such Order  
 or Judgement, is not to be counted an Escape;  
 nor shall any such Enlargement be a discharge  
 to any other person, save to the Prisoner so  
 enlarged; but all such Orders and Judge-  
 ments for discharge, and giving liberty to pri-  
 soners, and sale and dispositions of Estates  
 according to this Act, are to remain in force,  
 and not to be altered but by Parliament; nor  
 shall the said Judges, or any of them, be que-  
 stioned, molested, or responsible for any their  
 actings

actings in pursuance of this Act, but to the Parliament onely.

And it is further Enacted, That if any case of difficulty shall come before the Judges authorized by this Act, wherein they shall apprehend they have not sufficient power for relief of just Creditors or Prisoners; they shall and may hear and examine the truth of such cases, and certifye the same to the Parliament, with their opinion what further provision is fit to be made therein.

Provided always, That nothing in this Act contained, shall be construed to extend to any Lands, Tenements, Hereditaments, or Estate of any prisoner, forfeited and appointed to be sold by any Act of Parliament for Treason, or otherwise for the use or service of the Commonwealth; or which is or shall be under Sequestration for Delinquency, until the Sequestration be discharged; or to such part of the estate of any popish Recusant, as belongeth to the Commonwealth, or to any Estate, Lands, Tenements or Hereditaments of Ferdinando Earl of Huntingdon, Edward Lord Viscount Loftus of Ely, Robert Peyton Esq; and Algernon Peyton, or any of them: Nevertheless, the said Judges, or any three or more of them within their respective Limits, may take order for the payment of any fine or fines let or imposed for Composition for Delinquency, whereby to procure any Estate, Lands, Tenements or Hereditaments, under Sequestration for such Delinquency, to be discharged; and shall and may examine, hear and determine all other incumbrances whereinunto any Estate, Lands, Tenements or Hereditaments, within the disposition of any of the said Judges by ver-



due of this Act are lyable, allowing what in equity and good conscience they shall finde to be due in satisfaction of such Incumbrances, and freeing and discharging the said Estate, Lands, Tenements and Hereditaments from such Incumbrances upon payment thereof, or of so much as the said Judges respectively shall think fit, or order to be paid.

And be it further Enacted, That if the said Judges, or any three or more of them respectively, shall finde that any prisoner within this Act hath been a Merchant or Tradesman, and done or suffered any thing for which he might be judged a Bankrupt, according to any Act or Acts of Parliament made concerning Bankrupts, they may in any such case (if he pay not his Debts within the time limited for payment thereof) according to this Act, proceed to sell and dispose of the Estate which he had at the time when he might be so adjudged a Bankrupt, according to any such Act or Acts of Parliament made concerning Bankrupts, or at any time since; so as nothing to be done by the Judges or any of them by Authority of this Act, shall in any way cross, interrupt or delay any sale or disposition by any Commissioners upon the Statutes against Bankrupts; and that such Creditors as shall seek Relief before any of the Judges by vertue of this Act, shall not prosecute upon any Commission upon the Statutes against Bankrupts, for any part of the Bankrupts Estate, within the Power or Jurisdiction of the said Judges before whom they sought such relief.

And be it further Enacted, That if any prisoner be dead, his Debts unpaid, the said Judges

Judges, or any three or more of them, shall and may dispose and sell all such Estate, and Trust of Estate of such prisoner, as fully as the said prisoner himself might have done if he were living: And that all Sales and Dispositions by vertue of this Act, shall be good and effectual against all persons, who (being of full Age, sound Minde, not beyond Seas, or women covert) shall not within one Year next after such Sale or Disposition, make their Estates, or Interest in or to the Estate so sold or disposed, appear to the Judges respectively authorized by this Act, or any three or more of them, during the time of their Authority, and after, to such as shall be thereto Authorized by Parliament; Which said Judges, or any three or more of them, are hereby Impowered to hear, examine and allow such Claims according to Justice and Equity; and the like time of one Year is to be allowed after such Age, sound Minde, Return from beyond Seas, and women becoming Widows, to make their claims, and no longer.

And it is further Enacted, That the said Judges, or any three or more of them respectively, may give any Relief to any such prisoners as lye in prison for any Fine or Fines imposed upon them; Which the said Judges, or any three or more of them respectively, shall finde the same prisoner not able to pay. And no prisoner enlarged out of prison by vertue of this Act, in regard of poverty and inability to pay his Debts, shall be again Arrested or imprisoned for any Debt by him due before such Enlargement, but by or according to the Order of the said Judges, or any three or more of them respectively; And nevertheless, the  
Estate

Estate of any such prisoner is to remain subject to the Creditors satisfaction, according to Law.

And it is further Enacted, That all Examinations directed and authorized by this Act, may be done and taken by the said Judges, or any three of them respectively, upon Oath (which Oath the said Judges or any three of them are hereby Impowered to administer:) And that the said Judges, or any three or more of them respectively, may appoint a Clerk and Messenger to attend them in the Service aforesaid, and appoint them a moderate and fitting Allowance for their pains, to be paid by such as shall be relieved by vertue of this Act: And the said Judges, or any three or more of them, out of the Money raised by the Sale or Disposition of such Prisoners Estates, which they shall sell or dispose by vertue of this Act, shall have six pence in the Pound towards their own Charges, and the Charges of the said Clerk and Messenger, except onely in London, Westminster, Middlesex, Surrey and the Borough of Southwark; in all which they shall have Two pence in the Pound, and no more.

And it is Enacted, That the said Judges, or any three or more of them, shall have power, upon the Oath of Two or more credible witnesses, to hear and determine any Matter of complaint against all such persons as shall falsely swear or perjure themselves in any case depending before them, as if the same were done upon Indictment or Information in any Court of Record, and to inflict like punishment. And this Act shall continue in force until the First day of October, One thousand six hundred



hundred fifty and four, and no longer.

Provided nevertheless, and it is hereby Enacted, That all Acquittances, and all other lawful Discharges made really and without fraud, by any Prisoner for any Rent due to such prisoner before the passing of this Act, shall remain of like force and effect in Law, as if this Act had not been made.

And it is Enacted, That this Act shall extend unto the Town of Berwick upon Tweed; And that Sir William Selby Knight, John Mayre Esq; John Sleigh and Thomas Watson, Aldermen of the said Town, and Ralph Salkeld Esq; shall be Commissioners for the said Town; And they or any three of them, shall have full power to put in execution within the said Town, all and every the Powers and Authorities in this Act contained, in as full and ample manner, to all intents and purposes, as the Commissioners above-named for any of the Counties within England or Wales, may or ought to do, Any former Law, Statute, Usage or Custom to the contrary notwithstanding.

*Wednesday the 5<sup>th</sup> of October, 1653.*

**O**Rdered by the Parliament, That this Act be forthwith printed and published.

*Hen: Scobell, Clerk of the Parliament.*

